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DISTRICT OF WYOMING
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U.S. DISTRICT COURT

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

THE ESTATES OF DEBORAH MARIE)
TOBIN, and ALYSSA ANN TOBIN, Deceased)
by TIMOTHY JOHN TOBIN, Personal)
Representative; and THE ESTATES OF)
DONALD JACK SCHELL, and RITA)
CHARLOTTE SCHELL, Deceased, by NEVA)
KAY HARDY, Personal Representative,)
Plaintiffs,)

v.)

Civil No. 00-CV-0025-BE)

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SMITHKLINE BEECHAM)
PHARMACEUTICALS,)
)
Defendant.)

DEFENDANT'S NOTICE OF APPEAL

Notice is hereby given that SmithKline Beecham Corporation, d/b/a GlaxoSmithKline and incorrectly referred to in the above caption as “SmithKline Beecham Pharmaceuticals” (hereinafter referred to as “Defendant” or “GSK”), defendant in the above-styled action, by and through its undersigned counsel and pursuant to 28 U.S.C. § 1291 and Rule 3 of the Federal Rules of Appellate Procedure, hereby appeals to the United States Court of Appeals for the Tenth Circuit from the following Judgment and Orders of the District Court:

- (1) Order dated August 9, 2001, denying GSK's Motion for Judgment as a Matter of Law or for a New Trial;
- (2) Judgment entered June 7, 2001, on the jury verdict in favor of Plaintiffs and awarding Plaintiffs \$6.4 million in damages, including rulings on evidentiary matters and jury instructions made prior to entry of this judgment;
- (3) Order dated May 8, 2001, denying GSK's Motion to Exclude or Limit the Testimony of Plaintiff's Experts; and
- (4) Order dated April 12, 2001, denying GSK's Motion for Summary Judgment Based Upon the Learned Intermediary Doctrine.

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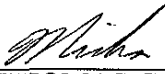
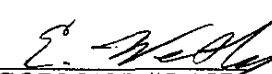
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Respectfully submitted, this 6th day of September, 2001.

SMITHKLINE BEECHAM CORPORATION,
Defendant

BY:  
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CERTIFICATE OF SERVICE


I certify the foregoing ***Defendant's Notice of Appeal*** was served upon all parties to this action pursuant to the Federal Rules of Civil Procedure on 6 September 2001, and that copies were served as follows:

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